

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BURL WASHINGTON, #34793-044)
Plaintiff,)
vs.) Case No. 12-cv-854-GPM
MARGARET HODGES, et al.,)
Defendants.)

MEMORANDUM AND ORDER

MURPHY, District Judge:

Plaintiff, currently incarcerated at McCreary United States Penitentiary, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. He also seeks to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

A prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

Plaintiff has had three or more prior prisoner actions dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Washington v. Stacy, et al.*, Case No. 4:07-cv-1523-DJS; *Washington v. State of Missouri*, Case No. 4:07-cv-1370 FRB; *Washington v. White, et al.*, Case No. 4:08-cv-28-CAS. Further, the

allegations in the instant complaint do not show that Plaintiff is under imminent danger of serious physical injury.

Accordingly, the motion for leave to proceed *in forma pauperis* is **DENIED**. This action is **DISMISSED** without prejudice to Plaintiff bringing these claims in a fully pre-paid complaint.

The Clerk shall **CLOSE THIS CASE**.

IT IS SO ORDERED.

DATED: September 11, 2012

/s/ G. Patrick Murphy
G. PATRICK MURPHY
United States District Judge